

Amendments to Claims 1 and 14

Applicant has amended claims 1 and 14 to more clearly reflect and claim the subject matter of the present invention.

Claim 1 has been amended to clarify that the process of claim 1 is a process for separating a first metal value to be recovered from at least a second metal value contained in the original metal containing material. Support for the amendments to claim 1 may be found in the description on pages 4 and 5 of the present Specification that describes the separation and recovery of tantalum and/or niobium (a first metal value) from other metal values found in the metal containing material, and in the Examples provided in the present Specification.

Claim 14 has been amended to overcome the antecedent basis and grammar problems noted by the Examiner. The Examiner is thanked for the helpful comments in this regard.

Claims 1 and 14 are also discussed below.

Claims 1-13 -- 35 USC 112, first paragraph

The rejection of claims 1-13 under 35 USC 112, first paragraph is respectfully traversed. Applicant respectfully submits that this rejection is rendered moot by the amendments to claim 1 set forth above. However, Applicant offers the following comments.

Contrary to the Examiner's position, "to render a metal value insoluble" and "being recovered and render the one or more additional metal values insoluble" added in the amendment filed February 26, 1998, do not constitute new matter. Page 3, line 29 through page 4, line 2 of the present Specification describe the separation of uranium metal values from tantalum and/or niobium metal values in a metal containing material. As described in this section, the process of the present invention results in the tantalum and/or niobium metal values being solubilized and the uranium metal values being reduced to an insoluble state. The Examples provided in the present Specification further illustrate this process.

only when fluorides are present  
instant claims do not comprise of ...

Claims 1-17 -- 35 USC 112, second paragraph

The rejection of claims 1-17 under 35 USC 112, second paragraph is respectfully traversed.

As discussed above, Applicant has amended claims 1 and 14 to better point out and claim processes of the present invention. As amended, claim 1 describes the separation and recovery of first and second metal values in a metal containing material. Applicants respectfully submit these amendments clarify the issues raised by the Examiner.

Applicant has also amended claim 14 as indicated above.

For these reasons, the Examiner is respectfully requested to withdraw the rejection of claims 1-17 under 35 USC 112.

Claims 1-13 -- 35 USC 103(a)

The rejection of claims 1-13 as obvious in view of Bender '490 (US Patent No. 5,232,490) taken with Pazdej '777 (US Patent No. 4,332,777) is respectfully traversed.

As previously noted, Bender '490 relates to an oxidation/reduction process for recovery of precious metals from refractory ores. In the disclosed process a carbonaceous material may be added to a refractory feed and/or leach liquor as a reductant to reduce insoluble  $\text{MnO}_2$  that is associated with the precious metals in the refractory ore to soluble  $\text{MnCl}_2$  or  $\text{MnSO}_4$ . In contrast, the process of the present invention utilizes a reducing agent and a carbon source. Bender '490 contains no disclosure relating to a process for recovering metal values which utilizes a reducing agent and a carbon source which differs from the reducing agent.

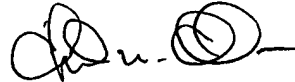
Pazdej discloses a process for the hydrometallurgical treatment of metallurgical dust. Pazdej does not disclose or suggest the use of a carbon source or a reducing agent in the disclosed process. Pazdej also fails to disclose or suggest the use of a carbon source or reducing agent. Therefore, Pazdej fails to disclose or suggest the present claims.

For these reasons, the Examiner is respectfully requested to withdraw the rejection of these claims under 35 USC 103(a).

Conclusion

All of the rejections of the Examiner having been met and overcome, Notice of Allowance is respectfully solicited. The Examiner is respectfully invited to contact the undersigned at 336.607.7315 to discuss any matter relating to the application.

Respectfully submitted



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Date 3/8/99

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